

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

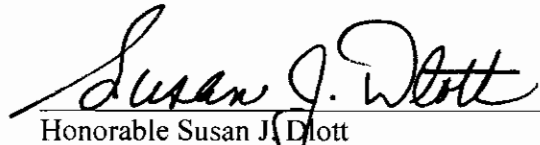
FIFTH THIRD BANK, as the Successor	)	Case No. 1:10-CV-00278
Trustee of the Gallo Displays, Inc.	)	
Employee Stock Ownership and Savings	)	(Judge Susan J. Dlott)
Plan and Trust	)	
	)	(Magistrate Judge Stephanie K. Bowman)
Plaintiff,	)	
	)	
-v-	)	
	)	
CW-GALLO, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER OF DISMISSAL**

The Court has been advised by counsel for the parties that they have entered into a settlement agreement that resolves all issues in the pending case. Accordingly, this matter is hereby dismissed with prejudice, pursuant to Fed.R.Civ.P. 41(a)(2). All parties to bear their own court costs, if any.

IT IS SO ORDERED.

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Honorable Susan J. Dlott  
United States District Court

HAVE SEEN AND AGREED:

/s/ Michael L. Scheier  
Michael L. Scheier (0055512))  
Keating Muething & Klekamp PLL  
One East Fourth Street, Suite 1400  
Cincinnati, Ohio 45202  
Phone: (513) 579-6952  
Fax: (513) 579-6457  
[mscheier@kmmklaw.com](mailto:mscheier@kmmklaw.com)

*Trial Attorney for Plaintiff*

Dated: June 16, 2011

/s/ Scott J. Stitt  
Scott J. Stitt (0073943)  
James E. Arnold & Associates, LPA  
115 W. Main Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 460-1600  
Fax: (614) 469-1066  
[sstitt@arnlaw.com](mailto:ssstitt@arnlaw.com)

*Trial Attorney for Defendants,  
CW-Gallo, Inc. and CW-Gallo, LLC*

Dated: June 16, 2011

/s/ Karen L. Giffen  
Karen L. Giffen (0042663)  
Giffen & Kaminski LLC  
1300 East Ninth Street – Suite 1600  
Cleveland, Ohio 44114  
Phone: (216) 621-5161  
Fax: (216) 621-2399  
[kgiffen@thinkgk.com](mailto:kgiffen@thinkgk.com)

*Attorney for Defendant, KeyBank N.A.*

Dated: June 16, 2011

/s/ David A. Eberly  
David A. Eberly (0067007)  
Eberly McMahon LLC  
2321 Kemper Lane, Suite 1000  
Cincinnati, Ohio 45206  
Phone: (513) 533-1151  
Fax: (513) 533-3554  
[deberly@emh-law.com](mailto:deberly@emh-law.com)

*Attorney for Defendant,  
North Star Trust Company*

Dated: June 16, 2011